

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Gary James,

Civil No. 12-CV-1809 (PJS/TNL)

Plaintiff,

v.

**ORDER**

Bruce Reiser,

Defendant.

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Gary James, 161294, 1101 Linden Lane, Faribault, MN 55021.

Matthew Frank and Jennifer R. Coates, Minnesota Attorney General's Office - Suite 1800, 445 Minnesota Street, St Paul, MN 55101-2134.

Linda Kay Jenny, Hennepin County Attorney's Office, 300 S 6th Street, Suite C-2000, Mpls, MN 55487.

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated October 26, 2012 (Docket No.7), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus (Docket No. 1) is **DENIED**;
2. Petitioner's application for leave to proceed in forma pauperis (Docket No. 2) is **DENIED**;
3. Petitioner's motion for appointment of counsel (Docket No. 3) is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and
5. Petitioner is **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 12/04/12

s/Patrick J. Schiltz  
The Honorable Patrick J. Schiltz  
United States District Court Judge  
for the District of Minnesota